

Memorandum

Human Resources
Administration



**Subject: Release of Employment
Information for Employment
Verifications and Public Access to
Personnel Files Policy**

Effective Date: April 23, 1993

Revised: July 3, 2000

PURPOSE

This memorandum establishes uniform policies and procedures for the release of employment information on current and former employees of the City of Tempe, and applicants for employment.

EMPLOYMENT VERIFICATION POLICY

The City will respond to inquiries from loan companies, banks, apartment leasing companies, prospective employers, etc., regarding current or former employees or applicants according to the following rules and procedures.

All inquiries for employment verifications on current or former employees or applicants (either by phone, in writing, or in person), must be referred to the Human Resources Director or his/her designee for response. No information on any current or former employee of

the City and/or applicant for employment shall be released by any department unless first authorized by the Human Resources Director or his/her designee.

The Human Resources Director or his/her designee can release only specific types of information on current or former employees of the City and/or employment applicants. Before any type of information can be released, either verbally or in writing, Human Resources requires a name and valid Social Security Number for the employee in question.

FOR PURPOSES OF EMPLOYMENT VERIFICATION, NO INFORMATION SHALL BE RELEASED WITHOUT A NAME AND VALID SOCIAL SECURITY NUMBER. When provided with a name and a valid Social Security Number that corresponds to City personnel records, the following information can be released:

CURRENT OR FORMER EMPLOYEES (General)

1. **Dates of employment.** Employment dates will be stated as **start date** and **last day** worked.
2. **Current or last position title.** If requested, titles of other positions held and effective dates may be released.
3. **Status of position.**
 - Whether position was budgeted (regular or temporary).

- Information pertaining to the "quality" of an employee and reason for leaving is **CONFIDENTIAL** and **MUST NOT BE RELEASED**.
 - Terms such as "terminated," "resigned," "separated," etc., must not be used because they can easily be construed to imply some involuntary action.
4. **Salary information** may only be released when an information release form, signed by the individual, is obtained.

**INFORMATION ON DEDUCTIONS,
GARNISHMENTS OR FUTURE SALARY
INFORMATION IS NOT TO BE RELEASED
UNDER ANY CIRCUMSTANCES.**

5. **In special situations** the Human Resources Director or his/her designee may release additional information to a prospective employer on a need-to-know basis where a current or former employee may present a danger to others or a danger to property.

Information pertaining to driving records and drug/alcohol testing of employees who are required to have Commercial Drivers Licenses will be released in accordance with 49 CFR §382.413, §391.23, and §40.81.

CURRENT OR FORMER EMPLOYEES (Sworn Police Personnel Only)

In addition to items 1-5, Arizona Revised Statute (ARS 41-1828.01) requires the City of Tempe to advise a requesting Arizona law enforcement agency of an employee's known misconduct in violation of the rules for retention. The City of Tempe Police Department is also required to report violations of rules for retention upon termination, resignation or separation to the Arizona Peace Officer Standards & Training Board. The rules for retention are as follows:

1. Willful falsification of information to obtain certified status.
2. A physical or mental disability which substantially impairs the person's ability to perform the duties of a peace officer.¹
3. A violation of a restriction or requirement for certified status pursuant to Section R13-4-107, Subsection J or Section R13-4-118, Subsection A.1.
4. Addiction to or the unlawful use of narcotics or drugs.

¹ In accordance with the Americans with Disabilities Act, information related to violations of Rules 2, 4, and 5 of the Rules of Retention should not be released to a requesting Arizona law enforcement agency until the agency has made a conditional offer of employment to the applicant.

5. Unauthorized use of or being under the influence of spirituous liquor on duty, or excessive use of spirituous liquor which would tend to discredit the law enforcement profession.¹
6. The commission of a felony (an offense which would be a felony if committed in this state), or an offense involving dishonesty, unlawful sexual conduct or physical violence.
7. Malfeasance, misfeasance, or nonfeasance in office.
8. Any other conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust in the law enforcement profession.

Upon receiving an original, notarized Release of Information Waiver signed by the employee, the Human Resources Director or his/her designee² will review an employee's personnel file to determine if any of the rules for retention have been violated.

If an employee has violated any of the rules for retention and it is agreed upon that additional information needs to be released, the Human Resources Director or his/her designee will verbally

² The Police Department (Internal Affairs Bureau) has been designated by the Human Resources Director to be primarily responsible for responding to requests for employment information about current or former sworn police personnel.

communicate the rules for retention violation to the requesting law enforcement agency.

If a written response is requested, a letter summarizing the violation in broad and general terms should be sent to the requesting law enforcement agency. Arizona Revised Statute (ARS 23-1361) requires copies of any written communication regarding an employee's employment be sent to the former employee's last known address.

UNDER NO CIRCUMSTANCES WILL THE EMPLOYEE'S ORIGINAL PERSONNEL FILE BE SHOWN TO THE OTHER AGENCY'S REPRESENTATIVES, NOR WILL COPIES OF THE MATERIAL CONTAINED IN AN EMPLOYEE'S PERSONNEL FILE BE PROVIDED TO AN OUTSIDE AGENCY, UNLESS REQUIRED BY LAW.

Arizona Revised Statute (ARS 39-123) prohibits the disclosure of the home address or home telephone number of a current peace officer. (City policy extends this to former Tempe police officers as well.) This restriction also applies to a photograph of a peace officer who is serving in an undercover capacity or is scheduled to serve in an undercover capacity within sixty days.

Any person who is employed by the City and who violates this statute, could be guilty of a class 6 felony unless the officer consents in writing to the release of such information or the custodian of records determines that the release of information does not create a reasonable risk of physical injury to the

peace officer or his/her immediate family or damage to his or her property (ARS 39-124).

APPLICANTS FOR GENERAL EMPLOYMENT

When provided with a name and valid Social Security Number, an applicant (as a courtesy) may be informed of the general status of their application.

This information shall not be released to persons other than the individual applicant even though an information release form signed by the applicant has been presented. **THE APPLICATION AND TESTING PROCESS IS A CONFIDENTIAL MATTER BETWEEN THE APPLICANT AND THE HUMAN RESOURCES DIVISION.**

APPLICANTS FOR SWORN POLICE EMPLOYMENT

Arizona Revised Statute (ARS 41-1828.01) requires the City of Tempe, upon request from another law enforcement agency, to advise that agency of any known misconduct in violation of the aforementioned rules for retention found by the City of Tempe in its background investigation of the applicant.

The Police Department (Internal Affairs Bureau) has been designated by the Human Resources Director to be primarily responsible for responding to requests for information from other law enforcement agencies regarding background investigations conducted on applicants for sworn police employment.

PUBLIC RECORDS REQUESTS

In light of court cases addressing what should and should not be disclosed in response to a public records request, all employees should be aware of the City's obligations under the law. As a City of Tempe employee, the following information contained in your personnel file is a public record and must be disclosed upon official request:

1. Name
2. Job Title
3. Job Classification
4. Salary Range
5. Department
6. Supervisor
7. Date of Hire
8. Date of Termination

MATTERS OF PUBLIC INTEREST

If you are involved in a matter of public interest—such as being named in a claim letter, a written complaint, or an allegation involving misconduct—the following information in your personnel file may constitute a public record and must be disclosed upon request:

1. Letter grade received on past performance evaluations
2. Discipline reports indicating any disciplinary actions taken against you and the date and reason for the discipline.

The following information is NEVER subject to public record disclosure:

1. Social Security Number
2. Date of Birth
3. Addresses
4. Medical Records

Specific procedures must be followed to officially request public information related to City personnel (See the attached form *City of Tempe Human Resources—Public Records and Copy Request Form and Information and Instruction Sheet.*)

CONCLUSION

In summary, the City of Tempe policy regarding verifications of employment is to release only dates of employment and position(s) held, and its response to an inquiry is limited by that policy unless the City is legally required to release information under federal or state law. Individuals should make no assumptions as to whether the City may or may not have further information about an employee, which might be responsive to an inquiry.

To facilitate the release of information for employment verifications, a standardized form (attached) has been developed for responding to written requests for information. This form shall be completed and attached to all written requests. A standardized, official loan application should be used in place of the release form when provided.

Any additional information that is required or requested by prospective employers, attorneys, law enforcement personnel, other state or federal agencies, the media, etc., should be referred to the Human Resources Director or his/her designee for review on a case-by-case basis.

Employees should be aware that the City is obligated to comply with the law in releasing records that are considered public information, but it will never release Social Security Number, date of birth, address, or medical records of employees.

If you have any questions about the City's obligations when responding to requests for employment verifications or public record requests for personnel records, please contact the Human Resources Director or his/her designee.

Attachments



Human Resources
Administration

City of Tempe Employment Verification

Date: _____

Re: _____

SSN: _____

- ☐ A Social Security Number (SSN) was not provided for the individual indicated. We cannot verify information without a valid Social Security Number.
- ☐ The Social Security Number provided was not found or did not correspond to the name of the individual. Please check the accuracy of the Social Security Number and/or the name of the individual and spelling used during the periods of employment.
- ☐ A search of the City's employee records indicates that the dates of employment for this individual are:

From: _____ To: _____

Title of current or last position held:

Remarks:

It is the policy of the City of Tempe to release only general information about employees. This should not be construed to mean that certain types of information exist or are of a negative nature on any employee.

This policy should be taken into consideration and not used unjustly in the evaluation of a person's character or abilities.

Sincerely,

Susan L. Crooks
Assistant Human Resources Director

**CITY OF TEMPE
HUMAN RESOURCES
PUBLIC RECORDS AND COPY REQUEST FORM**

Please print

Name: _____ Date: _____

Address: _____

Phone Number: (____) _____ Fax Number: (____) _____

If request is being made on behalf of another person or entity, identify: _____

Requested information – **(please be specific)**:

As required by A.R.S. §39-121.03, indicate whether the record(s) is (are) to be used for:

- ☐ **Non-Commercial Purpose**
A person designating a non-commercial purpose is certifying that this request is not made for business, monetary, economic, commercial or trade purposes, and that neither the requestor nor any other person which may use the information contained in the record as a result of access by the requestor will receive economic benefit or gain from using information contained in the record.

Briefly state non-commercial purpose here: _____

- ☐ **Commercial Purpose**
Pursuant to A.R.S. §39-121.03, any person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used.
“Commercial purpose” means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record.

If the copy request is for a COMMERCIAL PURPOSE, please state the specific purpose of your request below and complete the affidavit on the back of this form:

— OVER —

**AFFIDAVIT
APPLICATION FOR PUBLIC RECORDS
FOR COMMERCIAL PURPOSE**

I, _____, declare that I have read the Information and Instruction Sheet
Requesting Party
attached to this form (or A.R.S. §39-121.03) and understand the contents therein.
I further declare under penalty of perjury that the information on the reverse side
is true and correct.

Requesting Party's Signature

STATE OF ARIZONA _____)
_____))
County of Maricopa _____)

SUBSCRIBED AND SWORN TO before me this _____ day of
_____, 20____, by
_____.

My Commission Expires: _____

Notary Public

**CITY OF TEMPE HUMAN RESOURCES
PUBLIC RECORDS AND COPY REQUEST FORM
INFORMATION AND INSTRUCTION SHEET**

Requesting Party: Please read and note the following information and instructions.

Pursuant to A.R.S. §39-121.01(D), any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours (8:00 a.m. – 5:00 p.m., Monday–Friday).

A person requesting inspection and/or copies, printouts or photographs of public records from Human Resources must complete the *CITY OF TEMPE HUMAN RESOURCES PUBLIC RECORDS AND COPY REQUEST FORM* and present it to the Custodian of Records, City of Tempe Human Resources Division, 20 East Sixth Street, Tempe, AZ 85281.

— Phone: (480) 350-8278 — Fax: (480) 350-8060 —

The H.R. Custodian of Records may return the request if it is found to lack the specificity necessary to identify the records. The Custodian will charge an amount approximately equal to the cost of reproducing the requested material

(10¢ per copy plus a per hour fee for required staff time). Such amount must be paid prior to delivery of the material. Pursuant to A.R.S. §39-122, there is no charge if the requested material is to be used "in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof."

PERSONNEL FILES

City of Tempe policy prohibits the disclosure of personal information about an employee without the employee's written consent. The Custodian of Records will release an employee's personnel file for viewing after an audit has been performed on the file to ensure that any such information (birth date, SSN, home address, home phone number, spouse/dependent and medical information, etc.) is edited from the file prior to viewing it. In addition, A.R.S. §39-123 and 39-124 specifically prohibit disclosing the home address and home telephone number of a peace officer. This applies also to a photograph of a peace officer who is serving in an undercover capacity or who is scheduled to serve in an undercover capacity within sixty days. The City extends this policy to former police officers as well.

You will be notified when the file has been audited and is ready for viewing.

COMMERCIAL PURPOSE

Pursuant to A.R.S. §39-121.03, the requesting party must indicate whether the requested records are to be used for non-commercial or commercial purposes as defined on the request form. If the request is being made for commercial purposes, it must be accompanied by a completed affidavit (reverse side of the request form), signed and notarized.

A person providing a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used may be furnished such items, the charges for which may include:

1. *A portion of the cost to the City for obtaining the copies of the documents, printouts or photographs to be reproduced.*
2. *A reasonable fee for the cost of time, equipment, and personnel in making the copies.*
3. *The value of the reproduction on the commercial market.*

If the Custodian of Records believes that the commercial purpose of a copy or copies is a misuse of public records or an abuse of the right to receive them, the Custodian of Records may refuse a request and may request the state governor to prohibit the furnishing of copies for such commercial purposes by executive order. If an executive order is not issued within thirty (30) days of the date of application, the Custodian of Records will provide the copies after being paid the fee requested. [A.R.S. §39-121.03]

NOTE: **A person who files a certified statement pursuant to A.R.S. §39-121.03, knowing it to be false or fraudulent, is guilty of a class 6 felony.**